

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3724 - HB 3814

March 16, 2012

SUMMARY OF BILL: Enacts the Music Therapy Practice Act. Creates a five-member Board of Music Therapist and requires the members, appointed by the Governor for three-year terms, to serve without compensation, other than reimbursement for travel expenses. Prohibits a person from practicing or in any manner claiming to be engaged in the practice of music therapy or designating as being a music therapist unless duly licensed as a music therapist in accordance with the Act. Specifies applicant requirements and exempts certain individuals from licensing requirements. Authorizes the Board to: evaluate the qualifications of applicants and provide for the examination of music therapists and music therapist assistants; adopt passing scores for examination; issue licenses; regulate the practice of music therapy; adopt and revise rules under this Act; establish requirements for assessing continuing competence of licensees; assess all license and registration fees as established by the Board; and investigate, deny, suspend, or revoke licenses for violations of this Act. Defines actions that constitute violations of the Act. Creates a class B misdemeanor for a person: engaging in an activity requiring license under this Act without obtaining such license; violating any other provisions of this Act; or using any word, title, or representation implying that the person is licensed to engage in the practice of music therapy. Authorizes the Board to assess a civil penalty of not more than \$1,000 for a person who: aids or requires another person to directly or indirectly violate this Act; permits the person's license to be used by another person; or acts with the intent to violate or evade the provisions of this Act. Details supervisory requirements of music therapists and specifies that patient care given by music therapist assistants, assistive personnel and students on clinical affiliations is a responsibility of music therapists supervising such personnel.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – \$72,200/Board of Music Therapists

**Increase State Expenditures – \$11,300/One-Time/Board of Music Therapists
\$60,900/Recurring/Board of Music Therapists**

Assumptions:

- According to the Department of Health, establishing a new health care license will involve writing rules, setting up the profession in the regulatory board data system, and creating forms including applications. This is expected to result in an increase in one-time state expenditures of \$7,000.

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- The Department will hire one Administrative Assistant to handle the administrative functions for the Board, including processing applications and scheduling and conducting Board meetings.
- The increase in recurring state expenditures associated with this position will be \$58,346 (\$33,437 salary + \$10,909 benefits and insurance + \$7,900 administrative support services + \$4,100 office lease + \$1,400 communications + \$600 supplies). One-time state expenditures will increase by \$4,300 (\$2,700 office set-up + \$1,600 computer).
- The five appointed Board members will serve without compensation but will be eligible for reimbursement for travel expenses at \$126.96 per meeting, for a total of \$634.80 per each one-day meeting. It is estimated that the Board will meet four times a year, for a total of \$2,539.20 per year.
- The Office of General Counsel will provide legal advice to the Board and will litigate or otherwise handle disciplinary case filed against music therapists. This is not expected to result in a significant increase in expenditures to the state.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. According to the Department, licensing fees will be established in a sufficient amount to cover all expenditures of the Board over a two year period. The recurring increase in fee collections is estimated to be \$72,200; however, the number of potential licensees and the anticipated licensing and renewal fees are unknown.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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